

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

In the Matter of the Complaint of
DORDELLAS FINANCE CORP.,
Owner, and MSC MEDITERRANEAN
SHIPPING COMPANY S.A., Owner
pro hac vice, of the Motor Vessel MSC
DANIT, and its engines, tackle, apparel,
and appurtenances, and

CAPETANISSA MARITIME
CORPORATION, Owner of the Motor
Vessel BEIJING, and its engines,
tackle, apparel, and appurtenances,

Plaintiffs,

Case No. 2:22-cv-02153-DOC-JDE
**ORDER DIRECTING ISSUANCE
OF MONITION AND
INJUNCTION; ISSUING NOTICE;
AND APPROVING AD INTERIM
STIPULATION OF VALUE**

**[46 U.S.C. §§ 30501, *et seq.*; and
Federal Rules of Civil Procedure,
Supplemental Rule F]**

IN ADMIRALTY

WHEREAS, a Complaint was filed in this Court by Plaintiffs Dordellas Finance Corp., as Owner, and MSC Mediterranean Shipping Company S.A., as Owner *pro hac vice* of the vessel MSC DANIT, and by Plaintiff Capetanissa Maritime Corporation, as Owner of the vessel M/V BEIJING (collectively “Plaintiffs”), seeking exoneration from or in the alternative, limitation of liability pursuant to the Limitation of Liability Act of 1851, 46 U.S.C. §§ 30501 *et seq.*, for all losses, injuries, damages, and deaths resulting from, arising out of, or in connection with, an October 2, 2021 oil spill from a subsea pipeline off the coast of Huntington Beach, the MSC DANIT’s voyage which began on December 31, 2020 and

1 concluded on or about February 4, 2021, and the BEIJING's voyage which began on
2 or about January 6, 2021 and concluded on or about February 8, 2021 (the
3 "Voyages"); and,

4 WHEREAS, Plaintiffs seek exoneration and, in the alternative, assert that
5 claims may be filed against them for loss, injuries, damage, or death, and that said
6 claims are subject to limitation in the Exoneration or Limitation Action now on file
7 with this Court;

8 WHEREAS, on the issue of limitation, it appears from Plaintiffs' Complaint that
9 the value of the MSC DANIT at the end of its Voyage, combined with its pending
10 freight, did not exceed \$91,862,084, and that the value of the BEIJING at the end of
11 its Voyage, combined with its pending freight, did not exceed \$38,537,200; and

12 WHEREAS an *Ad Interim* Stipulation of Value was executed and filed by the
13 MSC DANIT Plaintiffs in the total amount of \$91,862,084, and by the BEIJING
14 Plaintiff in the total amount of \$38,537,200, with interest at six percent (6%) per
15 annum as security for the amount or value of the Plaintiffs' interest in the Vessels and
16 pending freight, if any;

17 **IT IS HEREBY ORDERED** that the above-described *Ad Interim* Stipulation
18 of Value deposited by the Plaintiffs with the Court for the benefit of claimants, as
19 security for the amount or value of the Plaintiffs' interest in the Vessels, if any,
20 is hereby approved;

21 **IT IS HEREBY ORDERED** that a notice and monition hereby issues out of,
22 and under the seal of, this Court to and against all persons and entities claiming
23 losses, damages, injuries, or death resulting or arising from the subject Voyage of the
24 MSC DANIT, admonishing them to appear and file their respective claims and
25 answers with the Clerk of this Court on or before November 7, 2022, and to make
26 due proof of their respective claims in such manner as may hereinafter be directed
27 by further order of this Court, with liberty to any claimants who have duly filed their
28 claims to answer the Plaintiff's Complaint,

1 and to file such answer with the Clerk of this Court on or before the date specified above at:

2 United States District Court, Central District of California
3 411 W. 4th St, Courtroom 10A
Santa Ana, CA 92701

4 and serve on or mail a copy thereof to Plaintiffs' attorneys:

5 COLLIER WALSH NAKAZAWA LLP
Joseph A. Walsh II and Ellen E. McGlynn
6 One World Trade Center, Suite 2370 Long
Beach, California, 90831

PEACOCK PIPER TONG + VOSS LLP
Albert E. Peacock III, Glen R. Piper, David A.
Tong, Margaret Stando
100 W. Broadway, Suite 610
Long Beach, CA 90802

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8 or be DEFAULTED AND FOREVER BARRED;

9 **IT IS HEREBY ORDERED** that the Plaintiffs shall give public notice of said
10 monition pursuant to Federal Rules of Civil Procedure, Supplemental Rule F(4) for
11 Certain Admiralty and Maritime Claims, by causing such notice to be published in a
12 newspaper of general circulation in Orange County and Los Angeles County,
13 California, once per week for four consecutive weeks through July 8, 2022. The
14 form of the notice shall conform substantially with the Notice of Complaint for
15 Exoneration or Limitation of Liability submitted by the Plaintiffs as Exhibit 1, as
16 approved by this Court; and,

17 **IT IS FURTHER ORDERED** that not later than the date of the second
18 publication of said notice, the Plaintiffs shall mail a copy of said notice to every person
19 and entity known to have made any outstanding claim against the Plaintiffs or the
20 Vessels arising from the subject Voyages; and,

21 **IT IS FURTHER ORDERED** that the institution or prosecution of any suit,
22 action, or other legal or administrative proceeding of any nature in any venue
23 (outside these proceedings) against the Plaintiffs or the Vessels, regarding any
24 claim resulting from, arising out of, or in connection with the Voyages ARE
25 HEREBY ENJOINED, STAYED, AND RESTRAINED; said injunction is to
26 remain in effect until the determination of this action in this Court; and,

27 **IT IS FURTHER ORDERED** that service of this order as an Injunction shall
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1 be made by delivering a certified copy hereof to the person or persons to be
2 enjoined, or to their respective attorneys or representatives.

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4 **SO ORDERED** this 25th day of May, 2022, at Los Angeles,
5 California.

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8 HON. DAVID O. CARTER
9 U.S. DISTRICT JUDGE
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